IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.6100 of 2006

D.R. Munophane. ..Petitioner.

vs

The Executive Engineer
Bhama Asked Division, Bhama & ors. .. Respondents.

Mr. S.P Davahle with Mr V.P. Sawant for the petitioner.
Mr. V.P Malvankar, AGP for the State.

CORAM: H.S. BEDI, C.J., &
V.M. KANADE, J.
DATE: OCTOBER 6, 2006.

P.C.:-

We have heard the learned counsel for the parties.

The petitioner's counsel has argued that the petitioner had carried out extensive and substantial extra work and had accordingly made an application for enhancement in the contractual price and was thus entitled to some escalation in the price fixed by the contract. Several letters have been put on record in support of this claim. It has been urged that the Executive Engineer concerned had made a recommendation to the Superintending Engineer for accepting the petitioner's claim, which in turn had been forwarded to the Principal Secretary, Water Resources Department, but the Principal Secretary had, vide his order dated 5th June, 2006 finding no

substance in the claim, has declined to place it for consideration of the Standing Committee at the Government level. We find however, that no reasons are forthcoming in the order which is clearly non-speaking.

We are, therefore, of the opinion that the order dated 5th June, 2006 should be set aside on this short ground. We accordingly allow the petition, quash and set aside the impugned order but give liberty to the respondents to pass a fresh reasoned order within a period of eight weeks from today.

CHIEF JUSTICE

V.M.KANADE J.